

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:14-cv-06117-JPO**

Immigrant Defense Project et al v. United States Immigration
and Customs Enforcement et al
Assigned to: Judge J. Paul Oetken
Cause: 05:552 Freedom of Information Act

Date Filed: 08/05/2014
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Immigrant Defense Project

represented by **Ghita Schwarz**
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ATTORNEY TO BE NOTICED

Plaintiff

Hispanic Interest Coalition of Alabama

represented by **Ghita Schwarz**
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Plaintiff

Center for Constitutional Rights

represented by **Ghita Schwarz**
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V.

Defendant

**United States Immigration and
Customs Enforcement**

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Defendant

United States Department of Homeland Security

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| Date Filed | # | Docket Text |
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| 08/05/2014 | <u>1</u> | COMPLAINT against United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Filing Fee \$ 350.00, Receipt Number 01101841) Document filed by Immigrant Defense Project, Hispanic Interest Coalition of Alabama, Center for Constitutional Rights. (Kaliakina, Tatiana) (Additional attachment(s) added on 8/11/2014: # <u>1</u> Exhibit 1-5, # <u>2</u> Exhibit 6-16) (moh). (Entered: 08/06/2014) |
| 08/05/2014 | | SUMMONS ISSUED as to United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Kaliakina, Tatiana) (Entered: 08/06/2014) |
| 08/05/2014 | | Magistrate Judge James L. Cott is so designated. (Kaliakina, Tatiana) (Entered: 08/06/2014) |
| 08/05/2014 | | Case Designated ECF. (Kaliakina, Tatiana) (Entered: 08/06/2014) |
| 08/05/2014 | <u>2</u> | CIVIL COVER SHEET filed. (Kaliakina, Tatiana) Modified on 8/6/2014 (Kaliakina, Tatiana). (Entered: 08/06/2014) |
| 08/05/2014 | | ***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Ghita Schwarz for noncompliance with Section 14.2 of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <u>1</u> Complaint, to: caseopenings@nysd.uscourts.gov. (Kaliakina, Tatiana) (Entered: 08/06/2014) |
| 08/15/2014 | <u>3</u> | AFFIDAVIT OF SERVICE of FOIA complaint served on Dep't of Homeland Security and Immigration & Customs Enforcement on 8/7/2014. Service was accepted by Lisa Ahearn. Service was made by Mail. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Schwarz, Ghita) (Entered: 08/15/2014) |
| 08/26/2014 | <u>4</u> | NOTICE OF APPEARANCE by Rebecca Sol Tinio on behalf of United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Tinio, Rebecca) (Entered: 08/26/2014) |
| 08/27/2014 | <u>5</u> | LETTER addressed to Judge J. Paul Oetken from Rebecca S. Tinio dated August 27, 2014 re: Request for Extension of Time to Answer or Otherwise Respond to the Complaint. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Tinio, Rebecca) (Entered: 08/27/2014) |

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| 08/27/2014 | <u>6</u> | MEMO ENDORSEMENT on re: <u>5</u> Letter, filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. ENDORSEMENT: Granted. The deadline for Defendant to answer or otherwise respond to the complaint is October 8, 2014., United States Department of Homeland Security answer due 10/8/2014; United States Immigration and Customs Enforcement answer due 10/8/2014. (Signed by Judge J. Paul Oetken on 8/27/2014) (lmb) (Entered: 08/27/2014) |
| 10/02/2014 | <u>7</u> | NOTICE OF APPEARANCE by John Dalton Clopper on behalf of United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Clopper, John) (Entered: 10/02/2014) |
| 10/03/2014 | <u>8</u> | SECOND LETTER MOTION for Extension of Time to File Answer addressed to Judge J. Paul Oetken from John Clopper dated October 3, 2014. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Clopper, John) (Entered: 10/03/2014) |
| 10/03/2014 | <u>9</u> | NOTICE of Substitution of Attorney. Old Attorney: Rebecca Tinio, New Attorney: John Clopper, Address: U.S. Attorney's Office for the Southern District of New York, 86 Chambers Street, 3rd floor, New York, New York, USA 10007, 212.637.2716. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Clopper, John) (Entered: 10/03/2014) |
| 10/06/2014 | <u>10</u> | ORDER granting <u>8</u> Letter Motion for Extension of Time to Answer. The Defendants' requested extension is hereby granted. The Defendants shall answer or otherwise respond to the complaint by October 15, 2014. The Clerk of the Court is directed to replace the word "Costoms" with the word "Customs" in the caption on ECF. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 10/06/2014) |
| 10/15/2014 | <u>11</u> | ANSWER to <u>1</u> Complaint,. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Clopper, John) (Entered: 10/15/2014) |
| 10/24/2014 | <u>12</u> | ORDER: The parties are hereby ordered to appear for a scheduling conference on November 3, 2014, at 11:30 AM, in Courtroom 706 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. (Status Conference set for 11/3/2014 at 11:30 AM in Courtroom 706 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007 before Judge J. Paul Oetken.) (Signed by Judge J. Paul Oetken on 10/24/2014) (kgo) (Entered: 10/24/2014) |
| 11/03/2014 | | Minute Entry for proceedings held before Judge J. Paul Oetken: Status Conference held on 11/3/2014. Next PTC set Sine Die. (See transcript) (Court Reporter Sonya Huggins) (Skolnik, Brandon) (Entered: 11/03/2014) |
| 11/14/2014 | <u>13</u> | LETTER addressed to Judge J. Paul Oetken from Ghita Schwarz dated November 14, 2014 re: Request for Scheduling Order. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Exhibit Court Order in ND LON v. ICE, # <u>2</u> Exhibit Court Order in DWN v. ICE)(Schwarz, Ghita) (Entered: 11/14/2014) |
| 11/18/2014 | <u>14</u> | LETTER addressed to Judge J. Paul Oetken from AUSA John Clopper dated November 18, 2014 re: Response to Plaintiffs' Request for Scheduling Order. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Affidavit Declaration of Fernando Pineiro, # <u>2</u> Exhibit Exhibits to Declaration of Fernando Pineiro, # <u>3</u> Affidavit Declaration of James Holzer)(Clopper, John) (Entered: 11/18/2014) |
| 11/19/2014 | <u>15</u> | ORDER: United States Immigration and Customs Enforcement is hereby ordered to produce 1,500 pages of responsive documents by December 19, 2014; an additional 2,000 pages of responsive documents by January 19, 2015; and 2,000 pages of responsive documents per month thereafter. The United States Department of Homeland Security is hereby ordered to produce 750 pages of responsive documents per month starting December 19, 2014. SO ORDERED. (Signed by Judge J. Paul Oetken on 11/19/2014) (ja) (Entered: 11/19/2014) |
| 07/17/2015 | <u>16</u> | LETTER MOTION for Conference <i>on Adequacy of Defendants' Productions</i> addressed to Judge J. Paul Oetken from Ghita Schwarz dated July 17, 2015. Document |

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| | | filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Exhibit 1–7)(Schwarz, Ghita) (Entered: 07/17/2015) |
| 07/21/2015 | <u>17</u> | TRANSCRIPT of Proceedings re: conference held on 11/3/2014 before Judge J. Paul Oetken. Court Reporter/Transcriber: Sonya Ketter Huggins, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/14/2015. Redacted Transcript Deadline set for 8/24/2015. Release of Transcript Restriction set for 10/22/2015.(McGuirk, Kelly) (Entered: 07/21/2015) |
| 07/21/2015 | <u>18</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 11/3/2014 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/21/2015) |
| 07/28/2015 | <u>19</u> | LETTER addressed to Judge J. Paul Oetken from AUSA John Clopper dated July 28, 2015 re: Proposed Briefing Schedule. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Clopper, John) (Entered: 07/28/2015) |
| 07/28/2015 | <u>20</u> | ORDER granting <u>16</u> Letter Motion for Conference. Granted. The parties shall appear for a conference at 10:00 AM on Tuesday, August 4, in Courtroom 706 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 07/28/2015) |
| 08/04/2015 | | Minute Entry for proceedings held before Judge J. Paul Oetken: Interim Pretrial Conference held on 8/4/2015. As stated from the Bench, declarations from defendant due 9/30/15, and plaintiff to submit status letter to the Court in Oct. 2015. (See transcript for complete details.) (Court Reporter Paul Speer) (Skolnik, Brandon) (Entered: 08/04/2015) |
| 10/31/2015 | <u>21</u> | FILING ERROR – DEFICIENT DOCKET ENTRY (SEE <u>22</u> Letter (Status)) – STATUS REPORT. <i>Letter</i> Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Exhibit Declaration of Kevin Tyrrell, # <u>2</u> Exhibit Declaration of Reba McGinnis, # <u>3</u> Exhibit Declaration of Fernando Pineiro)(Schwarz, Ghita) Modified on 11/2/2015 (db). (Entered: 10/31/2015) |
| 11/02/2015 | <u>22</u> | STATUS REPORT. <i>Letter</i> Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Exhibit Declaration of Kevin Tyrrell, # <u>2</u> Exhibit Declaration of Paula Harrington, # <u>3</u> Exhibit Declaration of Reba McGinnis, # <u>4</u> Exhibit Declaration of Fernando Pineiro)(Schwarz, Ghita) (Entered: 11/02/2015) |
| 11/12/2015 | <u>23</u> | ORDER: The parties are directed to appear for a status conference on November 24, 2015 at 2:00 PM, in Courtroom 706 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. (Status Conference set for 11/24/2015 at 02:00 PM in Courtroom 706, 40 Centre Street, New York, NY 10007 before Judge J. Paul Oetken.) (Signed by Judge J. Paul Oetken on 11/10/2015) (kko) (Entered: 11/12/2015) |
| 11/18/2015 | <u>24</u> | TRANSCRIPT of Proceedings re: argument held on 8/4/2015 before Judge J. Paul Oetken. Court Reporter/Transcriber: Paula Speer, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/14/2015. Redacted Transcript Deadline set for 12/24/2015. Release of Transcript Restriction set for 2/19/2016.(McGuirk, Kelly) (Entered: 11/18/2015) |
| 11/18/2015 | <u>25</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a argument proceeding held on 8/4/15 has been filed by the court |

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| | | reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/18/2015) |
| 11/24/2015 | | Minute Entry for proceedings held before Judge J. Paul Oetken: Interim Pretrial Conference held on 11/24/2015.(See transcript for complete details.) (Court Reporter Andrew Walker) (Skolnik, Brandon) (Entered: 11/24/2015) |
| 12/23/2015 | <u>26</u> | CONSENT LETTER MOTION for Extension of Time <i>to update the Court on the status of adequacy of search issues</i> addressed to Judge J. Paul Oetken from Peter Aronoff dated 12/23/2015. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 12/23/2015) |
| 12/28/2015 | 27 | ORDER granting <u>26</u> Letter Motion for Extension of Time. The requested extension is GRANTED. The parties shall provide the Court with a status update and, if necessary, a proposed briefing schedule on motions for summary judgment by January 15, 2016. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order)(Oetken, J.) (Entered: 12/28/2015) |
| 01/15/2016 | <u>28</u> | STATUS REPORT. <i>and Proposed Briefing Schedule</i> Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project.(Schwarz, Ghita) (Entered: 01/15/2016) |
| 01/20/2016 | <u>29</u> | ENDORSED LETTER addressed to Judge J. Paul Oetken from Ghita Schwarz dated 1/15/2016 re: The parties respectfully propose the following schedule: February 19, 2016: Plaintiffs move for partial summary judgment on adequacy of search. March 18, 2016: The Government submits its opposition brief. April 8, 2016: Plaintiffs submit their reply brief. We thank the Court for its consideration of this request. ENDORSEMENT: The proposed briefing schedule is hereby adopted. So ordered. (Signed by Judge J. Paul Oetken on 1/19/2016) (mt) (Entered: 01/20/2016) |
| 02/19/2016 | <u>30</u> | MOTION for Summary Judgment <i>on Adequacy of Search</i> . Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. Responses due by 3/18/2016(Schwarz, Ghita) (Entered: 02/19/2016) |
| 02/19/2016 | <u>31</u> | MEMORANDUM OF LAW in Support re: <u>30</u> MOTION for Summary Judgment <i>on Adequacy of Search</i> . . Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Schwarz, Ghita) (Entered: 02/19/2016) |
| 02/19/2016 | <u>32</u> | DECLARATION of Ghita Schwarz in Support re: <u>30</u> MOTION for Summary Judgment <i>on Adequacy of Search</i> .. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(Schwarz, Ghita) (Entered: 02/19/2016) |
| 03/11/2016 | <u>33</u> | LETTER MOTION for Extension of Time <i>for summary judgment filings</i> addressed to Judge J. Paul Oetken from Peter Aronoff dated 3/11/2016. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 03/11/2016) |
| 03/16/2016 | 34 | ORDER granting <u>33</u> Letter Motion for Extension of Time. Granted. Defendant shall file its opposition to Plaintiff's motion for partial summary judgment, as well as the Defendant's cross-motion for partial summary judgment, on or before April 1, 2016. Plaintiffs shall file their reply and opposition to Defendant's motion on or before April 29, 2016. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 03/16/2016) |
| 03/31/2016 | <u>35</u> | LETTER MOTION for Extension of Time <i>until Tuesday, April 5 to file the government's partial summary judgment papers</i> addressed to Judge J. Paul Oetken from Peter Aronoff dated 3/31/2016. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 03/31/2016) |

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| 04/01/2016 | <u>36</u> | ORDER granting <u>35</u> Letter Motion for Extension of Time. Granted. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 04/01/2016) |
| 04/05/2016 | <u>37</u> | CROSS MOTION for Partial Summary Judgment . Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. Responses due by 4/29/2016(Aronoff, Peter) (Entered: 04/05/2016) |
| 04/05/2016 | <u>38</u> | MEMORANDUM OF LAW in Support re: <u>37</u> CROSS MOTION for Partial Summary Judgment . <i>and in opposition to plaintiffs' partial motion 30</i> . Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Aronoff, Peter) (Entered: 04/05/2016) |
| 04/05/2016 | <u>39</u> | DECLARATION of Kevin L. Tyrrell in Support re: <u>37</u> CROSS MOTION for Partial Summary Judgment .. Document filed by United States Department of Homeland Security. (Aronoff, Peter) (Entered: 04/05/2016) |
| 04/05/2016 | <u>40</u> | DECLARATION of Paula Harrington in Support re: <u>37</u> CROSS MOTION for Partial Summary Judgment .. Document filed by United States Immigration and Customs Enforcement. (Aronoff, Peter) (Entered: 04/05/2016) |
| 04/05/2016 | <u>41</u> | DECLARATION of Reba McGinnis in Support re: <u>37</u> CROSS MOTION for Partial Summary Judgment .. Document filed by United States Immigration and Customs Enforcement. (Aronoff, Peter) (Entered: 04/05/2016) |
| 04/05/2016 | <u>42</u> | DECLARATION of Fernando Pineiro in Support re: <u>37</u> CROSS MOTION for Partial Summary Judgment .. Document filed by United States Immigration and Customs Enforcement. (Aronoff, Peter) (Entered: 04/05/2016) |
| 04/29/2016 | <u>43</u> | REPLY MEMORANDUM OF LAW in Support re: <u>30</u> MOTION for Summary Judgment <i>on Adequacy of Search.</i> , <u>37</u> CROSS MOTION for Partial Summary Judgment . . Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Schwarz, Ghita) (Entered: 04/29/2016) |
| 04/30/2016 | <u>44</u> | REPLY AFFIDAVIT of Ghita Schwarz in Support re: <u>30</u> MOTION for Summary Judgment <i>on Adequacy of Search.</i> , <u>37</u> CROSS MOTION for Partial Summary Judgment .. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Exhibit 6)(Schwarz, Ghita) (Entered: 04/30/2016) |
| 05/06/2016 | <u>45</u> | LETTER addressed to Judge J. Paul Oetken from Ghita Schwarz dated May 6, 2016 re: Correction to Exhibit Numbers in Summary Judgment Papers. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project.(Schwarz, Ghita) (Entered: 05/06/2016) |
| 05/12/2016 | <u>46</u> | LETTER MOTION for Leave to File reply in support of government's motion for partial summary judgment addressed to Judge J. Paul Oetken from Peter Aronoff dated 5/12/2016. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 05/12/2016) |
| 05/18/2016 | 47 | ORDER granting <u>46</u> Letter Motion for Leave to File Document. Granted. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 05/18/2016) |
| 05/18/2016 | <u>48</u> | REPLY MEMORANDUM OF LAW in Support re: <u>37</u> CROSS MOTION for Partial Summary Judgment . . Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Aronoff, Peter) (Entered: 05/18/2016) |
| 09/23/2016 | <u>49</u> | OPINION AND ORDER re: <u>30</u> MOTION for Summary Judgment <i>on Adequacy of Search.</i> filed by Hispanic Interest Coalition of Alabama, Center for Constitutional Rights, Immigrant Defense Project, <u>37</u> CROSS MOTION for Partial Summary Judgment . filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. For the reasons discussed above, Plaintiffs' motion for partial summary judgment on the question of the adequacy of Defendants' search is granted in part and denied in part. Defendants' cross-motion for partial |

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| | | summary judgment on the same question is also granted in part and denied in part. Defendants are directed to carry out the following additional searches: (1) in the ICE Enforcement and Removal Operations Buffalo and New York Field Offices, the ICE Office of Professional Responsibility, and the ICE Homeland Security Investigations New York Office, Defendants shall, within sixty days, conduct an additional search using the singular form of relevant plural nouns; (2) in ICE's OPA, Defendants shall, within sixty days, carry out a search reasonably calculated to respond to Plaintiffs' request; and (3) barring an applicable exemption to be addressed in future briefings, Defendants shall produce a responsive sample of data from ICE's LESA component. All other aspects of Defendants' search are held to be adequate under FOIA. The Clerk of Court is directed to close the motions at Docket Number 30 and Docket Number 37. (As further set forth in this Order) (Signed by Judge J. Paul Oetken on 9/23/2016) (lmb) (Entered: 09/23/2016) |
| 10/07/2016 | <u>50</u> | FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Reconsideration of <i>Court's Order on Summary Judgment</i> . Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project.(Schwarz, Ghita) Modified on 10/11/2016 (db). (Entered: 10/07/2016) |
| 10/07/2016 | <u>51</u> | FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>50</u> MOTION for Reconsideration of <i>Court's Order on Summary Judgment</i> . . Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Schwarz, Ghita) Modified on 10/11/2016 (db). (Entered: 10/07/2016) |
| 10/11/2016 | | ***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Ghita Schwarz to RE-FILE Document <u>51</u> Memorandum of Law in Support of Motion, <u>50</u> MOTION for Reconsideration of <i>Court's Order on Summary Judgment</i>. ERROR(S): Wrong case number on pdf(s). (db) (Entered: 10/11/2016) |
| 10/11/2016 | <u>52</u> | MOTION for Reconsideration of <i>Court's Order on Partial Summary Judgment</i> . Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project.(Schwarz, Ghita) (Entered: 10/11/2016) |
| 10/11/2016 | <u>53</u> | MEMORANDUM OF LAW in Support re: <u>52</u> MOTION for Reconsideration of <i>Court's Order on Partial Summary Judgment</i> . . Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Schwarz, Ghita) (Entered: 10/11/2016) |
| 10/19/2016 | <u>54</u> | CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>52</u> MOTION for Reconsideration of <i>Court's Order on Partial Summary Judgment</i> . addressed to Judge J. Paul Oetken from Peter Aronoff dated 10/19/2016. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 10/19/2016) |
| 10/20/2016 | 55 | ORDER granting <u>54</u> Letter Motion for Extension of Time to File Response/Reply. GRANTED. DEFENDANTS SHALL RESPOND TO PLAINTIFFS' MOTION BY NOVEMBER 1, 2016. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 10/20/2016) |
| 11/01/2016 | <u>56</u> | LETTER MOTION for Extension of Time to File Response/Reply as to 55 Order on Motion for Extension of Time to File Response/Reply addressed to Judge J. Paul Oetken from Ghita Schwarz dated November 1, 2016. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project.(Schwarz, Ghita) (Entered: 11/01/2016) |
| 11/01/2016 | <u>57</u> | LETTER addressed to Judge J. Paul Oetken from Peter Aronoff dated 11/1/2016 re: clarification of Court's September 23 Opinion and Order <u>49</u> . Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 11/01/2016) |
| 11/01/2016 | <u>58</u> | MEMORANDUM OF LAW in Opposition re: <u>52</u> MOTION for Reconsideration of <i>Court's Order on Partial Summary Judgment</i> . . Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Aronoff, Peter) (Entered: 11/01/2016) |

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| 11/01/2016 | <u>59</u> | DECLARATION of Fernando Pineiro in Opposition re: <u>52</u> MOTION for Reconsideration of Court's Order on Partial Summary Judgment.. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Aronoff, Peter) (Entered: 11/01/2016) |
| 11/02/2016 | 60 | ORDER granting <u>56</u> Letter Motion for Extension of Time to File Response/Reply. GRANTED. PLAINTIFFS SHALL FILE A REPLY BY NOVEMBER 10, 2016. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 11/02/2016) |
| 11/10/2016 | <u>61</u> | REPLY MEMORANDUM OF LAW in Support re: <u>52</u> MOTION for Reconsideration of Court's Order on Partial Summary Judgment. . Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Affidavit of Plaintiffs' Electronic Discovery Expert Daniel L. Regard)(Schwarz, Ghita) (Entered: 11/10/2016) |
| 03/28/2017 | <u>62</u> | LETTER addressed to Judge J. Paul Oetken from Ghita Schwarz dated March 28, 2017 re: Motion for Partial Reconsideration of Summary Judgment. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Schwarz, Ghita) (Entered: 03/28/2017) |
| 04/28/2017 | <u>63</u> | ORDER: Defendants are directed to respond to the arguments raised in Plaintiffs' letter at Docket Number 62, and in particular should address why the new information provided therein does not warrant reconsideration of this Court's earlier ruling on partial summary judgment. Any response should be filed by letter on or before May 3, 2017. If Defendants fail to file a timely response, Plaintiffs' arguments will be deemed unopposed. SO ORDERED. (Signed by Judge J. Paul Oetken on 4/28/2017) (ama) (Entered: 04/28/2017) |
| 05/01/2017 | <u>64</u> | LETTER addressed to Judge J. Paul Oetken from Peter Aronoff dated 5/1/2017 re: response to plaintiff's letter <u>62</u> and Court's order <u>63</u> . Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 05/01/2017) |
| 05/16/2017 | <u>65</u> | OPINION AND ORDER: re: <u>52</u> MOTION for Reconsideration of Court's Order on Partial Summary Judgment filed by Hispanic Interest Coalition of Alabama, Center for Constitutional Rights, Immigrant Defense Project. For the foregoing reasons, Plaintiffs' motion for reconsideration is GRANTED. The parties shall confer and agree upon additional custodians and search terms for a further records search of the ERO and H.S.I. SAC field offices in question. See Nat'l Day Laborer Org. Network v. U.S. Immigration & Customs Enft Agency, 877 F. Supp. 2d 87, 11112 (S.D.N.Y. 2012) (directing the parties to agree on search terms and protocols" and cautioning plaintiffs to be reasonable in their demands"). The parties shall submit a joint proposal to the Court on or before June 23, 2017. The Clerk of Court is directed to close the motions at Docket Number 52. SO ORDERED. (Signed by Judge J. Paul Oetken on 5/16/2017) (ama) (Entered: 05/16/2017) |
| 06/20/2017 | <u>66</u> | FIRST LETTER MOTION for Extension of Time to File Joint Proposal for New Searches addressed to Judge J. Paul Oetken from Ghita Schwarz dated June 20, 2017. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project.(Schwarz, Ghita) (Entered: 06/20/2017) |
| 06/21/2017 | 67 | ORDER granting <u>66</u> Letter Motion for Extension of Time. GRANTED. SO ORDERED. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 06/21/2017) |
| 07/06/2017 | <u>68</u> | SECOND LETTER MOTION for Extension of Time to File Joint Proposal for New Searches addressed to Judge J. Paul Oetken from Ghita Schwarz dated July 6, 2017. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project.(Schwarz, Ghita) (Entered: 07/06/2017) |
| 07/07/2017 | 69 | ORDER granting <u>68</u> Letter Motion for Extension of Time. GRANTED. SO ORDERED. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 07/07/2017) |
| 07/14/2017 | <u>70</u> | JOINT LETTER MOTION for Extension of Time to File status update and joint search proposal addressed to Judge J. Paul Oetken from Peter Aronoff dated |

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| | | 7/14/2017. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 07/14/2017) |
| 07/14/2017 | <u>71</u> | ORDER granting <u>70</u> Letter Motion for Extension of Time to File. GRANTED. SO ORDERED. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (Oetken, J.) (Entered: 07/14/2017) |
| 07/21/2017 | <u>72</u> | LETTER addressed to Judge J. Paul Oetken from Ghita Schwarz dated July 21, 2017 re: Joint Proposal for New Searches. Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project. (Attachments: # <u>1</u> Exhibit 1)(Schwarz, Ghita) (Entered: 07/21/2017) |
| 07/28/2017 | <u>73</u> | JOINT LETTER addressed to Judge J. Paul Oetken from Peter Aronoff dated 7/28/2017 re: providing the parties' stipulation and proposed order. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit stipulation and proposed order)(Aronoff, Peter) (Entered: 07/28/2017) |
| 07/31/2017 | <u>74</u> | STIPULATION AND ORDER MODIFYING FOIA REQUEST: NOW, THEREFORE, it is hereby STIPULATED and AGREED between the Parties as follows: The scope of Defendants' remaining search obligation in this action (including as determined by the Court's September 23, 2016 opinion and the May 16, 2017 opinion) is governed solely by the searches set forth in the Joint Proposal for New Searches (the "Joint Proposal"), attached hereto as Exhibit 1, and not by the original Request. Defendants will complete the searches set forth in the Joint Proposal by August 25, 2017. Starting on September 25, 2017, and on the 25th of each month thereafter (or, if that date is a weekend or federal holiday, the next business day), Defendants will produce to Plaintiffs one thousand pages of responsive documents (unless fewer than one thousand pages remain, in which case the balance will be produced), subject to redactions for any applicable FOIA exemptions. And as set forth herein. SO ORDERED. (Signed by Judge J. Paul Oetken on 7/31/2017) (ama) (Entered: 07/31/2017) |
| 04/16/2018 | <u>75</u> | ORDER: The parties shall file a joint status update with the court on or before April 30, 2018. SO ORDERED. (Signed by Judge J. Paul Oetken on 4/16/2018) (ama) (Entered: 04/16/2018) |
| 04/30/2018 | <u>76</u> | STATUS REPORT. <i>Joint</i> Document filed by Center for Constitutional Rights, Hispanic Interest Coalition of Alabama, Immigrant Defense Project.(Schwarz, Ghita) (Entered: 04/30/2018) |
| 05/01/2018 | <u>77</u> | MEMO ENDORSEMENT: on re: <u>76</u> Status Report filed by Hispanic Interest Coalition of Alabama, Center for Constitutional Rights, Immigrant Defense Project. ENDORSEMENT: Granted. The parties shall submit a joint status report by May 7, 2018. SO ORDERED. (Signed by Judge J. Paul Oetken on 5/01/2018) (ama) (Entered: 05/01/2018) |
| 05/07/2018 | <u>78</u> | STATUS REPORT. (<i>joint</i>) Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 05/07/2018) |
| 05/09/2018 | <u>79</u> | MEMO ENDORSEMENT: on re: <u>78</u> Status Report filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. ENDORSEMENT: Granted. The parties shall submit a joint status report by June 7, 2018. SO ORDERED. (Signed by Judge J. Paul Oetken on 5/09/2018) (ama) (Entered: 05/09/2018) |
| 06/07/2018 | <u>80</u> | STATUS REPORT. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 06/07/2018) |
| 06/08/2018 | <u>81</u> | MEMO ENDORSEMENT: on re: <u>80</u> Status Report filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. ENDORSEMENT: Granted. The parties shall provide the Court with a proposed agreement on June 15, 2018. SO ORDERED. (Signed by Judge J. Paul Oetken on 6/08/2018) (ama) (Entered: 06/08/2018) |

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| 06/15/2018 | <u>82</u> | JOINT LETTER addressed to Judge J. Paul Oetken from Peter Aronoff dated 6/15/2018 re: status and proposed order. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit stipulation and proposed order)(Aronoff, Peter) (Entered: 06/15/2018) |
| 06/18/2018 | <u>83</u> | STIPULATION AND ORDER MODIFYING FOIA REQUEST: NOW, THEREFORE, it is hereby STIPULATED and AGREED between the Parties as follows: The first bullet point beneath paragraph B.5 of the Joint Proposal is hereby struck. A new paragraph 7 is added to part B of the Joint Proposal, as follows: "7. The New York City HSI and ERO field offices will search for all non-public policies, protocols, or trainings regarding courthouse arrests dating from January 20, 2017 to May 1, 2018." ICE represents that some documents responsive to this paragraph exist. The New York City ERO field office will conduct supplemental searches, including at a minimum for emails, operation plans, and daily operation reports, for the operations listed in the second, third, and fourth bullet points of paragraph B.5 of the original Joint Proposal. Except as modified by paragraph 2 of this stipulation, the scope of ICE's search obligations under paragraphs B.5 and B.6 of the Joint Proposal remain unchanged. Any documents responsive to the supplemental searches described in paragraphs 2 and 3 of this stipulation will be processed pursuant to the FOIA by July 13, 2018. In all other respects, the Joint Proposal and Stipulation remain in effect without alteration. The parties shall submit a joint status letter on or before August 3, 2018. SO ORDERED. (Signed by Judge J. Paul Oetken on 6/18/2018) (ama) (Entered: 06/18/2018) |
| 08/10/2018 | | NOTICE: THE PARTIES ARE REMINDED THAT A STATUS LETTER WAS DUE ON AUGUST 3, 2018. (bh) (Entered: 08/10/2018) |
| 08/14/2018 | <u>84</u> | LETTER addressed to Judge J. Paul Oetken from Dominika Tarczyska dated August 14, 2018 re: Status Update. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Tarczyska, Dominika) (Entered: 08/14/2018) |
| 09/04/2018 | <u>85</u> | STATUS REPORT. <i>and proposal to file further status report by the end of September</i> Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 09/04/2018) |
| 09/04/2018 | <u>86</u> | ORDER: The parties shall file a joint status update with the court on or before October 1, 2018. SO ORDERED. (Signed by Judge J. Paul Oetken on 9/04/2018) (ama) (Entered: 09/04/2018) |
| 10/01/2018 | <u>87</u> | STATUS REPORT. <i>and proposal for further status report by December 7, 2018</i> Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 10/01/2018) |
| 10/02/2018 | <u>88</u> | ORDER: The parties shall file a joint status update with the court on or before December 7, 2018. SO ORDERED. (Signed by Judge J. Paul Oetken on 10/02/2018) (ama) (Entered: 10/02/2018) |
| 12/07/2018 | <u>89</u> | STATUS REPORT. <i>and proposal for further status report by 1/11/19</i> Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) (Entered: 12/07/2018) |
| 12/10/2018 | <u>90</u> | MEMO ENDORSEMENT: on re: <u>89</u> Status Report filed by United States Immigration and Customs Enforcement, United States Department of Homeland Security. ENDORSEMENT: The parties are directed to file a joint status update on or before January 11, 2019. SO ORDERED. (Signed by Judge J. Paul Oetken on 12/10/2018) (ama) (Entered: 12/10/2018) |
| 12/27/2018 | <u>91</u> | STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) SO ORDERED. (Signed by Judge Colleen McMahon on 12/27/2018) (ama) (Entered: 01/03/2019) |
| 12/27/2018 | | Case Stayed (ama) (Entered: 01/14/2019) |
| 02/11/2019 | <u>92</u> | STATUS REPORT. Document filed by United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Aronoff, Peter) |

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